

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-48957-659 Chapter 13
JOSEPH EMIL SALMAN)
MELISSA MARIE SALMAN) Trustee's Objection to Confirmation
Debtor(s)) Original confirmation hearing
) set for Oct 28, 2010 10:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
2. The set monthly payments to be made by the Trustee exceed the plan payment.
3. Debtor's attorney elects the flat fee, but the 2016(b) form excludes certain services that should be provided under the flat fee election.
4. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
PLAN DOES NOT ADDRESS POST PETITION PAYMENTS ON 2ND MORTGAGE AND CONTAINS INSUFFICIENT FUNDS TO PAY THIS DEBT IN FULL. TRUSTEE NOTES PARAGRAPH 10 CONTEMPLATES A LIEN STRIPPING ACTION.
5. SCHEDULE C CLAIMS EXCESS VEHICLE EXEMPTION (MAXIMUM \$6000) AND HEAD OF HOUSEHOLD (MAXIMUM \$1950).

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

KLW-221

Copy served on the following either through the Court's ECF system or by ordinary mail on September 16, 2010:

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/s/ John V. LaBarge, Jr.

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